IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**and**
**HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION NO : 7369 of 2004**

Between:

1 Gurge Pentaiah, s/o Bakkaiah,
r/o Uppal Village & Mandal, Ranga Reddy District.
2 Gurge Balaiah, s/o Mallaiah,
r/o Uppal Village & Mandal, Ranga Reddy District.
3 Cheera Balamma, w/o Agamaiah,
r/o Uppal Village & Mandal, Ranga Reddy District.
4 Devulapally Anjamma, w/o Lingamaiah,
r/o Uppal Village & mandal, Ranga Reddy District.

**..... PETITIONERS**

AND

1 Virasath Rasool Khan, s/o late Fazal Rasool Khan,
Occ:Business, r/o 3-4-854, Indian Bank, Opp:Barkatpura Branch,

Opp.Andhra Yuvathimandali, Barkatpura, Hyderabad.

2 T.Tirupathi Rao,
Occ:Business, r/o 12-13-606, Nagarjunanagar Colony,
Tarnaka, Hyderabad-17.

3 D.Mahender Reddy,
Occ:Business, r/o Plot No.13, Bhavana Colony,
T.K.T.Village-500 003.

4 Smt.T.Sujatha, w/o T.Tirupathi Rao,
Occ:Household, r/o 12-13-606, Nagarjuna colony, Tarnaka, Hyderabad-17.

5 The Presiding Officer, Principal District Judge, ( Land Grabbing Court ), R.R.District, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or directions more particularly one in the nature of writ of certiorari calling for the records in I.A.No.3074 of 2003, in L.G.O.P.No.1368 o f 1999, dt.30-12-2003 pending on the file of Principal District Judge, R.R.District, and quash the same as illegal, arbitrary and against to contrary of the law, and facts of the case and consequently allow the I.A.NO.3074 of 2003, in L.G.O.P.No.1368 of 1999, impleading the 4th respondent as a party respondent no.4 in proceedings in L.G.O.P.NO.1368 OF 1999, on the file of Principal District Judge, R.R.District in the interest of justice and equity.

**Counsel for the Petitioners : MR CH.JANARDHAN REDDY**

**Counsel for the Respondent No.1: Mr. K. SIVA REDDY**

**Counsel for the respondent Nos. 2 and 4: Mr. P. PURUSHOTHAM REDDY.**

**Counsel for the respondent No.3: None appeared.**

**Counsel for the respondent No.5: G.P. for Assignments.**

**The Court at the admission stage made the following:**

**ORAL ORDER:**

**( Per Hon'ble The Chief Justice )**

**…..**

**1 .** We have heard counsel for the petitioners. Challenge is to the order passed by the Principal District Judge-cum-Special Court Under Land Grabbing (Prohibition) Act, Ranga Reddy District, dismissing petitioners' application under Order 1 Rule 10(2) C.P.C., to implead Smt. T.Sujatha, wife of 2nd respondent as a party in a petition filed under Section 9 of A.P. Land Grabbing (Prohibition) Act. On two grounds the application was rejected, one was delay and laches and the other was absence of any allegation that the party proposed to be arrayed has grabbed the land.

2. We are not satisfied that there is any illegality committed by the Special Court in dismissing the application on the two grounds since there is no cause of action for moving such an application in the absence of

allegation of land grabbing. Accordingly writ petition is dismissed. No costs.

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**DEVINDER GUPTA. C.J.,**

**C.V. RAMULU. J.,**

**Dated: 02.08.2004.**

**VRK.**

To

1. The Presiding Officer, Principal District Judge, ( Land Grabbing Court ), R.R.District, Hyderabad.

2. Two CCs to G.P. for Assignments, High Court Buildings,

Hyderabad ( OUT )

3. Two CD copies.

**HON'BLE SRI DEVINDER GUPTA,**

**CHIEF JUSTICE**

**AND**

**HON'BLE SRI JUSTICE C.V. RAMULU.**

**W.P.NO. 7369 OF 2004.**

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**( Order of the Bench delivered by**

**Hon'ble The Chief Justice )**

**Dt: 02.08.2004.**

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